

June 25, 2025

VIA ECF

Honorable Michael A. Hammer
United States Magistrate Judge
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Newark, New Jersey 07101

Re: *Khalil v. Trump, et al.*, No. 2:25-cv-1963 (MEF) (MAH)

Dear Judge Hammer:

Petitioner writes to seek clarification from the Court as to one aspect of the conditions in its order on bail. ECF 317. Petitioner regrets the need for this filing, but Respondents' only very recent response to our meet-and-confer outreach leaves an open question about their understanding of the requirements of the Court's order.

The Court's order setting bail conditions, which the District Court ordered would be exclusively operative in this matter, ECF 316, does not require Mr. Khalil to do any reporting or check in with ICE. In fact, at the June 20 release hearing, this Court explicitly rejected the Government's request that Mr. Khalil be required to report to an ICE office following his release. *See* Tr. at 22 (June 20, 2025) (Judge Hammer: "I am not going to require Mr. Khalil to report to an ICE office. My understanding of Judge Farbiarz's ruling today, as reflected in his order, is that he did not see in the record evidence, any basis, for that degree of scrutiny."). And the Court's written order makes no mention of an obligation to report to ICE. *See* ECF 317.

Nevertheless, upon his release from the LaSalle Detention Facility on June 20, 2025, ICE officials handed Mr. Khalil an "Order of Release on Recognizance," which included a purported requirement that Mr. Khalil "report in (writing) (person) to [ICE] Duty officer . . . on 06/27/2025 10:00 as directed." (A copy of this form is attached as Exhibit A.)

Out of an abundance of caution, Petitioner's counsel emailed counsel for the Respondents this morning to confirm Petitioner's understanding that ICE could not, in light of the Court-ordered bail conditions, require Mr. Khalil to report to ICE, either in writing or in person. Further, Petitioner's immigration counsel wrote to the ICE Duty Officer at 26 Federal Plaza in New York City (copying Respondents' counsel) to explain that notwithstanding Petitioner's objections to any reporting requirement, "as a one-time courtesy, we will comply with the request in the form provided to Mr. Khalil upon release in writing by sending this email." We requested that Respondents' counsel respond to us today (a request also made by leaving a voicemail message), confirming meaning of the Court's order, in the event that any disputed interpretation would require seeking the Court's attention. Respondents' counsel responded by email at 5:24pm that counsel was "still running this down."

Petitioner is concerned that the government has unilaterally imposed new conditions on his release, and thus respectfully requests that the Court issue a written order clarifying that Petitioner is not required to undertake any reporting to ICE offices or officers unless and until any further order issues from this Court. While Petitioner's counsel has already provided the requested "report in writing" sought by ICE for tomorrow, June 26, at 10:00am, he nevertheless seeks clarification

to ensure that Respondents understand that ICE check-ins—either in writing or in person—are not a requirement of his release.

Petitioner thanks the Court for its consideration of this matter.

Respectfully submitted,

/s/ Baher Azmy

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Exhibit A

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE

File No.: [REDACTED]

Name: KHALIL, MAHMOUD

Date: June 20, 2025

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- ☒ You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- ☒ You must surrender for removal from the United States if so ordered.
- ☒ You must report in (writing) (person) to Duty officer at See I-831 on 06/27/2025 10:00 as directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- ☒ You must not change your place of residence without first securing written permission from the officer listed above.
- ☒ You must not violate any local, State or Federal laws or ordinances.
- ☒ You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- ☐ Other: Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- ☒ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.

HUMPHRIES, J 8887

(Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

[Signature]
(Signature of ICE Official Serving Order)

06/20/2025

Date

[Signature]
(Signature of Alien)

I hereby cancel this order of release because:

- ☐ The alien failed to comply with the conditions of release.
- ☐ The alien was taken into custody for removal.

[Signature]
(Signature of ICE Official Cancelling Order)

ICE Form I-220A (10/20)

Date